IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25711 of 2003

Between:

Md. Mustafa Khan, S/o. Md. Mufata Khan, H.No. 12-2-823/a/24, Santoshnagar, Mahidipatnam, Hyderabad.

..... PETITIONER

AND

1 Union of India, represented by its Secretary, Ministry of Law, Justice & Company Affairs, Department of Legal Affairs, New Delhi.
2 State of Andhra Pradesh, represented by its Secretary Department of Labour, Secretariat, Hyderabad.
3 Commissioner for Workmen Compensation & Assistant Commissioner of Labour, Hyderabad - 1.
4 Krishna, S/o. Balaiah, MIG II, 739, KPHB Colony, Kukatpally, Hyderabad.
5 Sd. Asif, Manager & Electrician, MMMI, Narayanagiri, Budanpochanpally, Nalgonda District.
6 Smt. Manistri Nagamma, Labour Supplier, Khamipalli Village, Kothakota Mandal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ specially Writ of Certiorari calling for the records and i) to declare third proviso to section 30(1) of Workmen Compensation act, 1923 as ultra virus, unconstitutional and violative of Article 14 of Constitution of India ii) to set aside the award dated 16.10.2003 in WC No. 13/2002 on the file of 3rd respondent as arbitrary, unjust, unreasonable apart from vilolative of Articles 14 and 21 of Constitution of India.

Counsel for the Petitioner: MR.M.VENKAT RAM REDDY

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (ASSISTANT SG)

Counsel for Respondents 2 and 3: G.P. FOR SERVICES-I.

Counsel for Respondents 4 to 6: None appeared.

The Court made the following:

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ORAL ORDER: (per GB.J.)

The learned counsel for the petitioner filed a letter dated 15.3.2005 seeking permission to withdraw the Writ Petition. Permission granted.

2. Writ Petition is dismissed as withdrawn. The amount lying to the credit of W.C.No.13 of 2002 on the file of the Commissioner for Workmen Compensation and Assistant Commissioner of Labour, Hyderabad-I shall be permitted to be withdrawn by the injured in pursuance of this order. No costs.

(G.BIKSHAPATHY, J.)

16th March, 2005.

SSR (P.S.NARAYANA, J.)

Issue copy in two days.

(BO)

..... REGISTRAR

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SECTION OFFICER

To

1 The Secretary, Ministry of Law, Justice & Company Affairs, Department of Legal Affairs, Union of India, New Delhi.
2 The Secretary Department of Labour, State of Andhra Pradesh, Secretariat, Hyderabad.
3 Commissioner for Workmen Compensation & Assistant Commissioner of Labour, Hyderabad - 1.
4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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